

**ASSEMBLY BILL**

**No. 1040**

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**Introduced by Assembly Member Audra Strickland**

February 27, 2009

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An act to add Section 905 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1040, as introduced, Audra Strickland. Appeals: notice: class action settlements.

Existing law provides that an appeal is to the court of appeal, other than in a limited civil case, and specifies certain judgments and orders from which an appeal may be taken.

This bill would require the appellant, upon filing a notice of appeal, to state if the appeal is from a lower court's approval of a class action settlement. If so, then the appeal shall be entitled to expedited briefing and preference in setting the date for oral argument within 120 days after the notice of appeal has been filed.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 905 is added to the Code of Civil
- 2 Procedure, to read:
- 3 905. Upon the filing of a notice of appeal, the appellant shall
- 4 state if the appeal is from a lower court's approval of a class action
- 5 settlement. If so, then the appeal shall be entitled to expedited

- 1 briefing and preference in setting the date for oral argument within
- 2 120 days after the notice of appeal has been filed.

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